

Conley Expected to Plead Guilty and Ask Coury's Mercy

It is expected that Jim Conley, the negro whose testimony featured the trial of Leo M. Frank, will be taken before Judge Ben H. Hill, in the Fulton County Criminal Court, Tuesday morning and plead guilty to the charges against him as accessory to the killing of Mary Phagan.

The attorneys for Conley have not stated whether they will go to a trial or whether they simply will have the negro plead guilty and ask for the mercy of the court. At the Solicitor's office, though, it is understood he will plead guilty.

Conley has been in solitary confinement at the county jail since the first day he took the stand in the Frank trial. An order, which was issued by Judge Roan that night, that he be not allowed to see or talk to anyone, never has been removed.

**DELAY OF
FRANK
HEARING IN
HIGH**

**COURT
DENIED**

**Case Come Up at
December**

Term if It Reaches Tribunal By First of Month.

Luther Rosser and Reuben Arnold, representing Leo Frank, and E. A. Stephens, representing the Solicitor General, appeared before the Supreme Court to-day, and asked that arguments in the Frank case be postponed until the January term of the court, in the event the bill of exceptions reached the Supreme Court in time for the December call of the docket for argument.

The Supreme Court declined to grant the request, which means that if the case reaches the court December 1, it will be set for argument on December 15.

If it reaches the court after December 1, however, it automatically will go over to the January term.

The plea made to the court by both sides was that more time is needed to prepare the arguments and that it would work more surely to the ends of justice to have the hearing postponed.

The court took the position, however, that it could make no exception in any manner to the regular proceeding in behalf of the Frank case. It was held that it must take its turn along with other matters of greater or less importance.

This means that the arguments in the famous case likely will be heard in December, as there is slight probability that the appeal will not reach the highest court of review in the State well in advance of December 15.

And it will not be possible for either side to delay sending the appeal up, unless the side responsible for the delay is ready to account for it by good and sufficient reasons.

Neither side is apt to take any sort of chance with the Supreme Court by giving the matter that direction.

Under the ruling of the court, announced today, both sides will proceed to prepare for argument in December.

Of course, after the case is argued, it will be from three to nine months before a final decision may be expected.

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**CONLEY
STAR AT
“BULL
PEN”**

LEVEE

Frank Case Witness Struts Be- fore Dusky Admirers and An- nexes Supply of “Makin’s.”

Quite the hero of the occasion among his dusky compatriots, Jim Conley held high levee Tuesday in the “bull pen” of Judge Ben Hill’s courtroom in the Thrower Building.

Jim was taken from his cell in the Tower to answer to two indictments, each charging him with being accessory after the fact in the murder of Mary Phagan in the National Pencil Factory April 26.

As it happened, the pressure of court business was so great that it was impossible to reach Jim’s case and he was permitted the whole forenoon to strut and swell around in the circumscribed confines of the pen.

Bernard Shaw's "Playboy" found his black prototype in James. Negroes gathered about him in open-mouthed admiration.

Jim absorbed the adulation. He repeated piecemeal some of the startling testimony of which he had delivered himself on the witness stand in the trial of Leo M. Frank. His fellow prisoners listened with an evident degree of awe.

Trading on his prestige, he soon had his pockets bulging with "makin's" and will be able to spend his spare nickels for the cake that they sell at the Tower until his supply of tobacco gives out gain.

As it is, a great many thousands of people have fallen very much in love with Miss Cotton, without knowing her name or even having seen her. While she was fitting herself for the stage—for that is Miss Cotton's profession—she became a heroine of the "movies," her brilliant type of beauty and her clear-cut profile being peculiarly favorable to reproduction on the film.

Just now Miss Cotton, having completed her studies in New York, is taking the part of "Meg" in "Little Women," which comes to the Atlanta Theater the last half of this week. She was born in Houston, Texas, but has visited so many times in Atlanta and has so many friends here that she always says she feels more than equally at home.

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Comment on the Frank Case

THE FRANK CASE.

(From Atlanta Constitution.)

In a short while the issue of the life or death of the life or death of Leo Frank will be fought out before the Supreme Court of the State.

He will not approach the court as a Jew or a Gentile, a beggar or a millionaire. He will be simply a man in legal peril of his life.

The six justices who sit upon the bench are men of unimpeachable character. Their professional equipment is unquestioned. At every angle they are qualified to administer the law with minds single to justice and closed to all extraneous influences.

There are many who are wholly sincere in their believe in Frank's guilt. Many believe with unshakable faith that Frank is the innocent victim of circumstances. These two beliefs are, of course, fixedly incompatible. It is between the two that the Supreme Court must come as final arbiter.

A court of last resort can have nothing in common with prejudice, racial or otherwise. Bias of any nature must be an alien to its counsels. It is and must be concerned solely with the righteous administration of justice under the law and the evidence. It will undoubtedly discharge the function of weighing that evidence with scrupulous impartiality. Where the evidence is sufficient to support the verdict, the verdict should stand. If it regards the evidence as insufficient in this case the verdict should be set aside, and the accused be given a new trial.

And it is before a court with these exalted attributes that the supreme legal fight of the Frank case will be staged. The Supreme Court of Georgia will come as near finding the justice of this mysterious case as can be expected of any tribunal ruled by human beings. It is fully competent to pass upon the many troublous issues here involved. If the court writes its indorsement to the death war it will be because it believes the guilt of the defendant has been legally proven. It will not permit him to go to

the gallows unless it is satisfied his guilt has been established beyond a reasonable doubt.

The first guarantee of the constitution is that a man shall have a fair trial for his life. The Supreme Court must say whether or not Frank has had such a trial. If he has, the verdict stands. If he has not, and if the verdict is not justified by the evidence, he is entitled to and he will receive a new trial.

The proponents and the opponents of Frank may be assured the court will act with ultimate conscientiousness. In full knowledge that whatever verdict it reaches will be cited in Georgia for many generations, it could not do otherwise.

And that is asked by anybody—everybody—is that absolute justice be done. If Frank is guilty beyond a reasonable doubt, and it is so proven to the satisfaction of the court, he should pay the penalty for his crime. If not, he should have a new trial. The Supreme Court must say!
